

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Fillmore Field Office

95 E 500 N

Fillmore, UT 84631

<http://www.blm.gov/ut/st/en/fo/fillmore.html>



5102310056
Wayne

RECEIVED
OCT 11 2016
DIV. OF OIL, GAS & MINING

IN REPLY REFER TO:
3809 (UTW02000)
UTU-75852

October 6, 2016

CERTIFIED MAIL # 7012 3460 0000 6633 3456
RETURN RECEIPT REQUESTED

DECISION

ED HARRIS
466 WEST 400 NORTH
DELTA, UT 84624

:
: 43 CFR 3809
: Surface Management Notice
:

Closure of Exploration Notice UTU-75852

You filed a Notice for mineral exploration and mining activity in the Fillmore Field Office (FFO), Bureau of Land Management (BLM) in January 1998. The Notice proposed exploration for specialty stone in the Swasey Mountain area of Juab County, Utah within Township 14 South, Range 14 West, in aliquot parts of section 25; Salt Lake Meridian. The BLM case file number for your Notice is UTU-75852. Please refer to this number in any future correspondence. The corresponding case file number with the Utah Division of Oil, Gas, and Mining (UDOGM) is S/023/0056.

You also maintain currently Active Mining Claim UMC363453, the Crystal Clear claim, at this location. The claim allows you the possessory right to the specified minerals within the claim boundary, but it does not relieve you of responsibility for reclamation of surface disturbances. Excavations and various items of debris have been documented at the site.

Notice Expired – Your Notice expired on March 26, 2004. As specified by the Code of Federal Regulations (CFR) in 43 CFR § 3809.335(a), when your Notice expires, you must – (1) Cease operations, except reclamation, and (2) complete reclamation promptly according to your Notice. As stated in 43 CFR § 3809.335(b), your reclamation obligations continue beyond the expiration or any termination of your Notice until you satisfy them.

Operation Abandoned – Your Notice location was inspected by the BLM on September 2, 2014 and August 24, 2016. Both inspections observed a lack of activity at this location which is consistent with previous inspections. Since your Notice has been expired and inactive for an

extended time period, BLM has the authority to classify your site as abandoned under CFR § 3809.335(a). As stated in under CFR § 3809.335(a), if you abandon a site without reclamation, BLM may complete the reclamation and hold you liable for the expenses.

Closure of Exploration Notice – BLM has issued this decision to close the Notice at this site. Closure of the Notice without reclamation does not absolve you of future reclamation liability. Any future work at the site other than casual use (e.g. hand tools only) will require the submittal of a new Notice of Exploration or Plan of Operations and the appropriate financial guarantee for reclamation.

Appeal of the Decision - If you do not agree and are adversely affected by this decision, in accordance with 43 CFR §3809.800, you may request that the BLM Utah State Director review this decision. If you request a State Director review, the request must be received in the BLM Utah State Office at:

Utah State Office
Bureau of Land Management
440 West 200 South, Suite 500
Salt Lake City, Utah 84101-1345

The request must be received no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to the FFO. The request must be in accordance with the provisions provided in 43 CFR §3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision regarding your request for review of this decision within 21 days of the BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM Utah State Office to determine when the BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the FFO at:

Fillmore Field Office
Bureau of Land Management
95 East 500 North,
Fillmore, Utah 84631

Your notice of appeal must be filed within 30 days from the receipt of this decision. The appellant has the burden of proof showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal.

A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the IBLA and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with the FFO. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

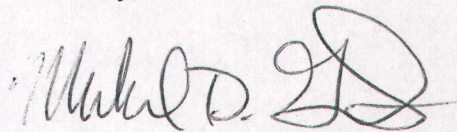
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied
2. The likelihood of the appellants success on the merits
3. The likelihood of immediate and irreparable harm in the stay is not granted
4. Whether the public interest favors granting the stay

If you have any questions or concerns please contact Todd Leeds, Geologist, Fillmore Field Office, at (435) 743-3115.

Sincerely,



Michael D. Gates
Field Office Manager

Enclosure:

Form 1842-1

cc: Opie Abeyta
Utah State Office
Bureau of Land Management
440 West 200 South, Suite 500
Salt Lake City, Utah 84101-1345

Paul Baker
UDOGM
1594 W North Temple Ste 1210
SLC, UT. 84114-5801

Mr. Gary Harris
420 North 350 East
Delta, Utah 84624